

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **No. 1:19-cr-10040**
)
ANDREW RUDIN,)
)
Defendant.)
)

MOTION TO RESET REPORT DATE

Now Comes the Defendant, ANDREW RUDIN, by and through his counsel, Nishay K. Sanan, Esq., and moves this Court to Reset the Report Date, in support thereof, Rudin states as follows:

1. This cause, for Andrew Rudin is set for a Report Date of June 12, 2019 @ 1:15 P.M., before this Honorable Court.
2. Counsel Motion to substitute his appearance in this matter, was granted on May 31, 2019.
3. On June 3rd & 4th, Counsel attempted to reach out to AUSA Pennebaker in regard to the discovery and his position on my request to reset the Report Date (Counsel's messages also included information about Counsel's upcoming trial, as set forth below). To date, Counsel has not heard from AUSA Pennebaker. Counsel

understands that AUSA Pennebaker has other obligations and matters to attend to, however, did not want to delay getting this motion on file and before this Court.

4. Counsel has a final pretrial conference set in USA v. FLORENTINO LEONG (18 CR 385, Northern District of Illinois (health care fraud)) on June 12, 2019 @ 1:00 P.M. That matter is set for trial on June 17, 2019 and will proceed to trial on that date.
5. As evident, by the date and time, the final Pre-Trial conference in USA v. LEONG conflicts with the current Report Date in this matter as it pertains to Mr. Rudin.
6. Counsel is also in the process of retrieving the discovery in this matter and needs additional time do so and review the same.
7. Counsel is in the process of reviewing case law on potential Motions to Dismiss the Indictment.
8. Counsel is not asking for a long delay, in fact Counsel and his client can appear before this Court for a Report Date on June 11, 13, 14 or after July 2nd, 2019.
9. Counsel and Mr. Rudin do not make this motion to cause delay in this matter. Mr. Rudin, in fact, wishes to pursue this matter expeditiously.
10. As stated above, Counsel has been unable to ascertain the Government's position to this motion.
11. Mr. Rudin does not object to the exclusion of time to the new Report Date.

WHEREFORE, the defendant, Andrew Rudin, requests that this Court grant his Motion to Reset the Report Date.

Respectfully Submitted,

/s/ Nishay K. Sanan

Nishay K. Sanan

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CERTIFICATE OF SERVICE

The undersigned, an attorney, first being duly sworn on oath, states that a copy of Motion was served upon the parties who have filed appearances in this matter, by electronically filing the same pursuant to rules of ECM on June 5, 2019.

/s/ Nishay Sanan _____